



JAMES A. NOYES, Director

# COUNTY OF LOS ANGELES

## DEPARTMENT OF PUBLIC WORKS

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IN REPLY PLEASE  
REFER TO FILE: **T-5**

May 23, 2002

The Honorable Board of Supervisors  
County of Los Angeles  
383 Kenneth Hahn Hall of Administration  
500 West Temple Street  
Los Angeles, CA 90012

Dear Supervisors:

**STREET LIGHTING DISTRICTS  
LEVYING OF ASSESSMENTS FOR PROJECT 121-1001 (L 029-01)  
COUNTY LIGHTING DISTRICT LLA-1, UNINCORPORATED ZONE  
SUPERVISORIAL DISTRICT 2  
3 VOTES**

**IT IS RECOMMENDED THAT YOUR BOARD:**

1. Adopt the enclosed Resolution of Intention to Order the Levying of Assessments within previously annexed territory located within Project 121-1001 (L 029-01) for Fiscal Year 2003-04.
2. Set a date for a public hearing regarding the levying of annual assessments based on the Fiscal Year 2001-02 Annual Engineer's Report, which establishes assessments based on land-use type for all zones within County Lighting District LLA-1 for street lighting purposes, with a base annual assessment of \$5 for a single-family home in the Unincorporated Zone.
3. Instruct the Executive Officer of your Board to cause notice of the public hearing by mail at least 45 days prior to the date of the hearing scheduled for 9:30 a.m. on July 23, 2002. The mailed notice will include assessment ballots.

**AFTER THE PUBLIC HEARING, IT IS RECOMMENDED THAT YOUR BOARD:**

1. Authorize the tabulation of assessment ballots submitted, and not withdrawn, in support of or in opposition to the proposed assessments for Project 121-1001 (L 029-01) and determine whether a majority protest against the proposed assessment exists within said territory.
2. If there is no majority protest against the proposed assessments, either as proposed or as modified by your Board, adopt the enclosed Resolution Ordering the Levying of Assessments within the annexed area. The adoption of the Resolution shall constitute the levying of assessments for Fiscal Year 2003-04.
3. Find the assessments will meet operating expenses; purchase supplies, equipment, or materials; meet financial reserve needs and requirements; and obtain funds for capital projects, including the operation and maintenance of street lights necessary to maintain service within the annexed subdivision areas.

**PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION**

This recommended action is for your Board to make a determination whether street lighting assessments should be imposed on this improvement previously annexed to County Lighting Maintenance Districts 1687 and County Lighting District LLA-1, Unincorporated Zone.

At the Public Hearing held on January 22, 2002, your Board previously determined that a majority protest exists against the levying of a new assessment against parcels within Project 121-1001 (L 029-01) and referred the matter back to Public Works. Public Works subsequently notified the developer that the property owner would remain responsible for the operation and maintenance of the street lights. The property owner has since reconsidered and is now requesting that we reballot for the levying of the assessment. The property owner acknowledged that he previously voted against the levying of new assessment without understanding that he will remain responsible for the operation and maintenance of the street lights.

### **Implementation of Strategic Plan Goals**

This action is consistent with the County Strategic Plan Goal of Fiscal Responsibility as the proposed revenue will provide the supplemental funding necessary for the operation and maintenance of the street lighting systems. It also satisfies the Goal of Service Excellence since the installation of street lighting systems provides for the convenience and safety of the motoring public, as well as for the safety and security of people and property, which improves the quality of life in the County.

### **FISCAL IMPACT/FINANCING**

Sufficient funds are included in the proposed Fiscal Year 2002-03 budget to cover the annual costs for the operation and maintenance of the street lights until assessments can be collected from property owners within this annexed area. The assessment is subject to the results of ballot tabulation at the conclusion of the public hearing. Failure to levy assessments against the benefitted parcels will result in the inability to operate and maintain the street lights within the territory as part of a County-administered Lighting District.

The ad valorem property taxes and assessments collected from the benefitted properties within the annexed territory will fund the operation and maintenance of the street lights.

### **FACTS AND PROVISIONS/LEGAL REQUIREMENTS**

New subdivisions are typically required to provide street lighting in accordance with applicable subdivision ordinances and to the satisfaction of Public Works as a condition of approval. Prior to the passing of Proposition 218 by the voters in November 1996, under the provisions of the Landscaping and Lighting Act of 1972, assessments were levied on a subdivision whose territory is within County Lighting District LLA-1 for the ongoing operation and maintenance of street lights. With the passing of Proposition 218, it is now necessary to ballot the property owners prior to imposing or increasing a street lighting assessment for the operation and maintenance costs of the street lights.

As a result, the legal provisions of two acts now govern the process for establishing street lighting assessments. First, the substantive provisions of the Landscaping and Lighting Act of 1972 (Part 2, Division 15 of the Streets and Highways Code) will continue to govern this

The Honorable Board of Supervisors  
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process as it has in the past. The assessment process is now also subject to certain provisions under Article XIID of the California Constitution as a result of the passing of Proposition 218 by the voters in November 1996.

The Landscaping and Lighting Act of 1972 provides for the assessment of street lighting costs against the benefitted properties within County Lighting District LLA-1 by any formula or method which fairly distributes the costs among all assessable lots or parcels in proportion to the estimated benefits to be received by each from the improvements. A method of distributing the street lighting costs on the basis of land use was approved by your Board on May 22, 1979, and amended on July 22, 1997, and that same method was used to compute the assessments for the Fiscal Year 2001-02 Annual Engineer's Report.

Pursuant to the requirements of Proposition 218 and Section 53753 of the Government Codes, an assessment ballot and public hearing notice will be mailed to all property owners within the subdivision whose territories are located within County Lighting District LLA-1, no less than 45 days prior to the public hearing scheduled for July 23, 2002.

The assessment ballots, weighted according to the amount of the assessment paid by each property, will be tabulated at the conclusion of the public hearing. Only those ballots that are returned will be counted to establish whether a majority protest exists under the provisions of Proposition 218. The assessment cannot be levied if the weighted majority of returned ballots are opposed to the assessment, in which case the assessment shall be abandoned.

Proposition 218 requires that a public hearing be held at a regular Board meeting. The enclosed Resolution of Intention to Order the Levying of Assessments must be adopted to set a date for the public hearing. Your Board may delay your determination regarding the levying of assessments until a later date, continue the public hearing to receive further testimony, or make a determination regarding the assessment at the close of the public hearing.

#### **ENVIRONMENTAL DOCUMENTATION**

This project is exempt from the California Environmental Quality Act under Section 21080(b)(8) of the Public Resources Code and Class 1-(X)27 of the County's Environmental Document Reporting Procedures and Guidelines approved by your Board.

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**IMPACT ON CURRENT SERVICES (OR PROJECTS)**

Not applicable.

**CONCLUSION**

At such time as these recommendations may be approved, please return one approved copy of this letter and the signed Resolutions to Public Works and one approved copy of the letter and Resolutions to the County Assessor, Ownership Services Section, and Auditor-Controller, Tax Section.

Respectfully submitted,

JAMES A. NOYES  
Director of Public Works

JC:kw  
A:\BLjc(Protest 121-1001).wpd

Enc.

cc: Chief Administrative Office  
County Counsel

**COUNTY OF LOS ANGELES  
BOARD OF SUPERVISORS  
RESOLUTION OF INTENTION TO ORDER  
THE LEVYING OF ASSESSMENTS WITHIN  
ANNEXED TERRITORY IN  
COUNTY LIGHTING DISTRICT LLA-1, UNINCORPORATED ZONE  
TO PROVIDE FUNDS FOR OPERATION OF STREET LIGHTS  
FOR FISCAL YEAR 2002-03  
PROJECT 121-100 (L 029-01)**

WHEREAS, on July 24, 1979, the Board of Supervisors of the County of Los Angeles approved the formation of County Lighting District LLA-1 to provide supplemental funds for the operation of street lights in County-administered Lighting Districts; and

WHEREAS, the Board of Supervisors has adopted the Fiscal Year 2001-02 Annual Engineer's Report that shows estimated operating costs and recommended assessments for each zone within County Lighting District LLA-1.

NOW, THEREFORE, BE IT RESOLVED, by the Board:

SECTION 1. The public interest and convenience require, and it is the intention of the Board to order, the expense necessary for the operation, maintenance, repairs, replacement, electric current, care, supervision, and all other items necessary for proper operation and maintenance of street lights within County Lighting District LLA-1, shall be assessed in Fiscal Year 2003-04, upon each lot or parcel of land lying within previously annexed territory for Project 121-1001 (L 029-01), in proportion to the estimated benefits received from the proposed street lighting improvements, and which should be assessed to pay the expense of the operation and maintenance of said improvements. The proposed base rate assessments are shown in the Fiscal Year 2001-02 Annual Engineer's Report for each zone within County Lighting District LLA-1. In future years, the amount of this assessment may be automatically increased, based on Public Utility Commission approved rate increases for the Southern California Edison Company (SCE) street lighting charges in accordance with increases in the Consumer Price Index - All Urban Consumers for Los Angeles, Riverside, Orange County, and California areas. Assessment rates will not be automatically increased due to any other unforeseen or extraordinary rate increases granted to SCE by the Public Utilities Commission. The same proportional increase is proposed for all other benefitted property uses in the subdivision territories.

SECTION 2. The boundary of previously annexed project is shown on the attached map:

SECTION 3. The proposed assessment is subject to majority approval of the property owners. A ballot and public hearing notice will be sent to the property owners in the project area at least 45 days in advance of the public hearing scheduled for July 23, 2002. The returned ballots will be weighted by the amount of assessment to be paid by each property owner. The proposed assessment will be abandoned if the weighted majority of returned ballots submitted are opposed to the assessment.

SECTION 4. The amounts to be assessed for the expense of such operation and maintenance of the work or improvements described above shall be levied and collected in the same manner and by the same officers as taxes for County purposes.

SECTION 5. The proceedings for the levying of assessments shall be taken to the extent required under and in accordance with the Landscape and Lighting Act of 1972 (Division 15, Part 2 of the Streets and Highways Code) and in accordance with Section 53753 of the Government Code and Article XIID of the California Constitution.

The foregoing Resolution was on the \_\_\_\_\_ day of \_\_\_\_\_, 2002, adopted by the Board of Supervisors of the County of Los Angeles and ex-officio of the governing body of all other special assessment and taxing districts, agencies, and authorities for which said Board so acts.

VIOLET VARONA-LUKENS  
Executive Officer of the  
Board of Supervisors of the  
County of Los Angeles

By \_\_\_\_\_  
Deputy

APPROVED AS TO FORM:

LLOYD W. PELLMAN  
County Counsel

By \_\_\_\_\_  
Deputy

**COUNTY OF LOS ANGELES  
BOARD OF SUPERVISORS  
RESOLUTION ORDERING  
THE LEVYING OF ASSESSMENTS WITHIN  
ANNEXED TERRITORY IN  
COUNTY LIGHTING DISTRICT LLA-1, UNINCORPORATED ZONE  
TO PROVIDE FUNDS FOR OPERATION OF STREET LIGHTS  
FOR FISCAL YEAR 2003-04  
PROJECT 121-1001 (L 029-01)**

WHEREAS, the Board of Supervisors on \_\_\_\_\_ adopted a Resolution of Intention to Order the Levying of Assessments for previously annexed territory for Project 121-1001 (L 029-01), located within County Lighting District LLA-1, to provide funds for the operation of street lights pursuant to provisions of the Landscaping and Lighting Act of 1972; and

WHEREAS, the Executive Officer of the Board did cause the notice of public hearing to be mailed to all property owners within the territory subject to the proposed levying of an assessment at least 45 days prior to the date set for the hearing scheduled for July 23, 2002; and

WHEREAS, Public Works has mailed an assessment ballot and notice to property owners of identified parcels within Project 121-1001 (L 029-01), located within County Lighting District LLA-1, Unincorporated Zone, pursuant to California Constitution Article XIIID to indicate support or opposition on the matter of an assessment; and

WHEREAS, said Board has heard all testimony and evidence, has tabulated all returned assessment ballots concerning the proposed assessment for Project 121-1001 (L 029-01) located within County Lighting District LLA-1, Unincorporated Zone, and has made a determination on whether a majority protest exists.

NOW, THEREFORE, BE IT RESOLVED, by the Board:

SECTION 1. The Board hereby finds that the public interest and convenience require the operation and maintenance of street lighting improvements within previously annexed territory for Project 121-1001 (L 029-01), located in County Lighting District LLA-1, Unincorporated Zone, and no majority protest exists within the area.

SECTION 2. The Lighting District diagrams and assessments as set forth in the Fiscal Year 2001-02 Annual Engineer's Report are hereby approved, confirmed, and adopted by this Board for all parcels of land within each subdivision territory, as proposed or as modified by the Board.



SECTION 3. The adoption of this Resolution constitutes the levying of assessments for all lots or parcels within the subdivision areas in County Lighting District LLA-1, for the Fiscal Year commencing July 1, 2003, and ending June 30, 2004.

SECTION 4. The amount to be assessed for the expenses of operation, maintenance, and service, as described in said Report and Resolution, shall be levied and collected in the same manner and by the same officers as taxes for County purposes and shall be disbursed and expended for operation, maintenance, and service of the said Lighting District, all as described in the Resolution of Intention.

SECTION 5. The Executive Officer of the Board is hereby authorized and directed to file a certified copy of these Resolutions upon its adoption with the County Assessor, Ownership Services Section, and County Auditor-Controller, Tax Section.

The foregoing Resolution was on the \_\_\_\_ day of \_\_\_\_\_, 2002, adopted by the Board of Supervisors of the County of Los Angeles and ex-officio of the governing body of all other special assessment and taxing districts, agencies, and authorities for which said Board so acts.

VIOLET VARONA-LUKENS  
Executive Officer of the  
Board of Supervisors of the  
County of Los Angeles

By \_\_\_\_\_  
Deputy

APPROVED AS TO FORM:

LLOYD W. PELLMAN  
County Counsel

By \_\_\_\_\_  
Deputy